

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

LORENZO B. DICKERSON, ,

CIVIL ACTION NO. 0:04-797-10BC

Plaintiff,

-VS-

ORDER

**GALLANT PLACE APARTMENTS,
LLC**

Defendant.

In the underlying action commenced pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981 and 1983, the plaintiff, Lorenzo B. Dickerson, alleges that he was terminated by the defendant Gallant Place Apartments, LLC because of his race. The defendant denies plaintiff's allegations and has filed motions for summary judgment and partial summary judgment.

Pursuant to Local Rule 73.02(B)(2)(g), this matter was referred to United States Magistrate Judge Joseph R. McCrorey. In his Report and Recommendation, the Magistrate Judge recommends that the defendants amended motion and motion for summary judgment be denied as to plaintiff's § 1981 claim and granted as to plaintiff's claim for relief under § 1983. The plaintiff has not objected to the Magistrate Judge's recommendation.

The applicable standard of review for this Court is clear. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Matthews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made 28 U.S.C. § 636(b)(1)(C). However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the Recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, the Court is free, after review, to accept, reject or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. Wood v. Schweiker, 537 F. Supp. 660, 661 (D.S.C. 1982).

Upon careful consideration, the Recommendation of the Magistrate Judge is approved. For the reasons stated by the Magistrate Judge, the defendant's motion for summary judgment is GRANTED as to plaintiff's cause of action seeking relief pursuant to 42. U.S.C. § 1983. The defendant's motion for summary judgment is DENIED as to plaintiff's cause action seeking relief pursuant to 42. U.S.C. § 1981.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, Jr.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 6, 2005

